THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3568 of 2007

Dated: 02.04.2007

Between:

Kotla Subba Rayudu and another.

..... PETITIONERS

AND

The Collector, Kadapa, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.3568 of 2007

ORDER:

The two petitioners are residents of Kadapa. They allege that first petitioner was allotted plot No.3 admeasuring Ac.0.05 and second petitioner was allotted plot No.2 admeasuring Ac.0.04 situated at Maddi Reddy Colony (layout) Chemmu miya Village of Kadapa District. After getting allotment proceedings dated 27.12.1985, they allegedly obtained building permission from the then Municipality, obtained loans and constructed houses consisting of ground plus first floor. It is stated that Bugga Vanka, which is adjacent to the layout, flooded in 2001, as a result of which the petitioners sustained loss. First respondent, therefore, proposed construction of protection wall and development of Bugga Vanka project. It is alleged that on 30.06.2006, on the instructions of first respondent, the authorities concerned came with bulldozers and demolished the houses including the petitioners' houses in the absence of the petitioners. The petitioners have given representation on 03.07.2006 seeking redressal, in vain. They allege that their property is sought to be taken without due process of Law and that their houses are situated at a far-off place from the proposed protection wall. Therefore, they filed instant writ petition seeking a writ of Mandamus declaring the action of the respondents in demolishing their houses as illegal and arbitrary and for a consequential direction to the respondents to provide compensation and other benefits of rehabilitation to them (petitioners).

The matter has been coming up for admission from 23.02.2007. Today, the learned Assistant Government Pleader for Revenue (General), after getting instructions, submits that the subject land forms part of the Municipal Corporation, Kadapa and second respondent or any other revenue authority has nothing to do with the same. He also submits that second respondent did not go to the layout or the colony and did not demolish any house as alleged. In view of this, the remedy of the petitioners is to sue the authorities, who allegedly demolished their houses. In this writ petition, the relief as prayed for cannot be granted.

The writ petition, therefore, is dismissed. No costs.

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(**V.V.S.RAO, J**)

02th April, 2007

ghn